

Remarks:

Reconsideration of the application as amended is respectfully requested. In the first Office Action, claims 1-5 were rejected under 35 U.S.C 102 and 35 U.S.C 103 in light of patents issued to Hanagan and Cherkin et al. Claims 6,7 and 9 were withdrawn and claim 8 was deemed to contain allowable subject matter. Newly amended claim 1 contains allowable subject matter in light of the aforementioned references, *inter alia*, an *arcuate* mounting bracket having a *select curvature that conforms to both the rear edge of the driver's seat and the front edge of the passenger seat*. As provided in the specification, the backrest is designed specifically for a BMW K1200 LT motorcycle. The arcuate bracket is specifically designed for the seat assembly found on such motorbikes. The claimed mounting bracket cannot be properly installed on other models or makes of motorbike. Regardless, such feature was neither disclosed nor suggested by any of the references cited herein.

New claim 10 is being submitted herewith that includes the additional limitations of the fastening flanges at each of two ends of the arcuate bracket to simultaneously fasten the bracket and passenger seat. New independent claim 11 contains all of the limitations of original claim 8 which has been deemed allowable. New claim 12 depends from claim 11 and therefore should be allowable. For the foregoing reasons, applicant respectfully avers that claims 1-12 are allowable.

Respectfully submitted,



Kenneth L. Tolar

Registration No. 39,860

Telephone No. (504) 780-9891

cc: Philip Strother (w/encl.)